

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH B. WATERS,

Petitioner,

v.

No. 22-cv-0926 MV-KRS

ATTORNEY GENERAL FOR THE
STATE OF NEW MEXICO, *et al*,

Respondents.

ORDER TO ANSWER

This matter is before the Court on Petitioner Joseph Waters' 28 U.S.C. § 2254 Habeas Corpus Petition (Doc. 1) (Petition). Waters challenges his state convictions based on, inter alia, ineffective assistance by counsel and double jeopardy violations. Having reviewed the Petition pursuant to Habeas Corpus Rule 4, the Court will order an answer.

IT IS ORDERED that the Clerk shall mail copies of this Order and the Petition (Doc. 1) to Respondent Attorney General of the State of New Mexico (AG) at the following address:

Attn: Federal Habeas Attorney(s)
New Mexico Office of the Attorney General
Criminal Appeals Division
201 Third St. NW, Suite 300, Albuquerque, NM 87102

IT IS FURTHER ORDERED that the AG must answer the Petition within **60 days** of entry of this Order. The answer must address the merits of each claim and may provide additional information on exhaustion. If the Petition is mixed, such that it contains both exhausted and unexhausted claims, the AG shall take a position on how to proceed (*i.e.*, stay the proceeding, dismiss the unexhausted claims, overlook the defect and deny the claim(s) on the merits, etc). The AG must attach to its answer copies of all pertinent filings from the state trial court, the state court

of appeals, and the state supreme court; including memoranda filed by both parties. The AG must also attach to the answer copies of all state post-conviction or appellate proceedings and any transcripts that are needed to resolve the claims.

IT IS FURTHER ORDERED that if Waters wishes to file an optional reply, he must do so within **30 days** after the AG's response is filed.


UNITED STATES MAGISTRATE JUDGE